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SB 2533-78 AND SB 2548-78

RELATING TO HISTORIC PRESERVATION

Statement for the
Senate Committee on Ecology, Environment and Recreation
Public Hearing 27 February 1978

by
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Because SB 2533 and SB 2548 both relate to the Historic Preservation Program, we combine our comments on these bills in a single statement. The statement does not reflect institutional positions neither of the University nor of the Review Board for Historic Preservation of which Tuggle is a member.

SB 2533

SB 2533 would amend HRS 6E-10 so that the prohibition that now applies to alterations of a historic property on the Register of Historic Places will also apply to a property that has been formally nominated to the Register.

The amendment would appropriately provide protection for historic properties between the time their historic value is recognized and the time they are entered in the Register. However, owners of private property nominated to the Historic Register should be protected against possible dilatory tactics in the nomination process. A time limit should be placed on the period that may elapse between the nomination of a property for registration and the decision of the Review Board for the Register either to incorporate or not to incorporate the property on the Register. This time limit should not apply to the period of consideration of a possible appeal by the owner of the historic property to the registration of that property.

SB 2548

Our comments on SB 2548 relate to Sections 2 and 4 of the bill. Section 2 proposes to replace the requirement in HRS 6E-5 that the State Historic Preservation Officer shall be a person with professional competence in the field of historic preservation with a provision that the Chairperson of the Department of Land and Natural Resources shall serve as the Historic Preservation Officer. The responsibilities of the Historic Preservation Officer, which are identified in the same section, require professional competence. The quality of the Historic Preservation Program depends critically on the competence of its chief officer and that officer's relative freedom from political pressures. If passed, the amendment would result inevitably in the weakening of the program.

The bill would further amend the same section to allow the Historic Preservation Officer to request assistance from the administrator of the Division of State Parks, Outdoor Recreation, and Historic Sites. Legislation to authorize such requests for assistance should not be necessary.

Section 4 of SB 2548 would require that the Board of Land and Natural Resources approve each nomination for registry of a property as a historic property before it is submitted to the Review Board for the Hawaii Register of Historic Places. If the provision were implemented, the Board of Land and Natural Resources would not be provided with any historical appraisal of the technically qualified Review Board and, indeed would be able to prevent a nomination even reaching the Review Board. Approval by the Board of Natural Resources is not now required for registry of a historic site. If the Board's approval were required, it should follow the consideration of the nomination by the Review Board.

The proposed requirement for the approval by the Board of Land and Natural Resources appears to stem from a misapprehension as to the implications of registration of a historic place. It does not imply automatic acquisition by the State and hence a requirement of funds for acquisition. It does imply that alterations of the site, whether it is publicly or privately owned, will be reviewed by the Department of Land and Natural Resources, and that the State will have the option of acquiring the site if it is privately owned and if the alterations would reduce its historic value.

The registry of historic sites should proceed on the basis of their historic importance alone. Decisions as to the management of the site should consider not only the historic importance but the overall benefits and detriments of possible management alternatives. Management questions should not enter into the question into the appropriateness of registration.